



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

841 Chestnut Building
Philadelphia, Pennsylvania 19107

138796

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

In Reply To: 3HW14

American Scientific Products
2340 McCaw Road
Obetz, OH 43207

Re: Request for Information Pursuant to Section 104 of CERCLA
and Section 3007 of RCRA for the Artel Chemical Site, Nitro,
West Virginia

Dear President:

The Environmental Protection Agency (EPA) is seeking information concerning the source, nature, and extent of the release, or the threat of a release, of hazardous substances into the environment. Pursuant to Section 3007(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6972(a), and Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), 42 U.S.C. § 9604(e), your company is requested to furnish all information and documents in its possession, custody or control, or in possession, custody or control of any of its officers, employees or agents which concern, refer, or relate to materials which have been or are generated, treated, stored or disposed of at the Artel Chemical Corporation, West 19th Street, Nitro, West Virginia, or its predecessors, the Fike Chemical Corporation and/or Roberts Chemical Company (collectively, "Artel").

All information and documents requested are due to the address listed below within thirty (30) calendar days of receipt of this letter.

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The response should include, but not be limited to, information and documents concerning:

1. Any transactions, contracts, communications, arrangements, or activities entered into between or with your company and Artel including but not limited to for each such matter:

(a) the date of the transaction or other matter;

(b) identification of the materials, if any, provided by your company to Artel;

(c) an estimate of the volume of each material identified in (b) above;

(d) a brief description of the transaction, contract, communication, arrangement or activity, including if possible the payments made by Artel or its representatives to your company, any payments your company made to Artel, and the services to be rendered;

(e) any contracts and/or invoices related to the matter;

(f) the chemical composition of the materials sent by your company to Artel and the manner in which the substances were stored or contained at the time they were sent;

(g) information as to whether the materials sent by your company to Artel pursuant to the contract were by-products, spent chemicals or other waste materials generated by your company's manufacturing processes;

(h) any contract, agreement, or other arrangement with Artel pursuant to which Artel would manufacture a product or perform a service for your company and your company would lend, rent or otherwise make available to Artel equipment, personnel, ingredients and/or scientific information to assist in the manufacture of the product or performance of the service for your company;

(i) the results of any sample analysis performed on the materials sent by your company to Artel;

(j) any RCRA hazardous waste manifests pertaining to the shipment of materials from your company to Artel.

2. The identity of, and documents relating to, any person other than your company or representatives of Artel who stored, treated, transported, or disposed, or who arranged for the treatment, disposal, or transportation of the materials identified in Request No. 1 at or to the Site.

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In addition to the above information, if your company was privately insured against releases of hazardous wastes or substances as a result of the handling of such materials, please inform us of the existence of such insurance and provide us with copies of all insurance policies.

As used herein, the term "documents" means writings (handwritten, typed or otherwise produced) and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight receipts, toll manifests, licenses, permits, bids, proposals, policies of insurance, logs, books of original entry, minutes of meetings, memoranda, notes, calendar or diary entries, agendas, bulletins, notices, announcements, charges, maps, photographs, drawings, manuals, brochures, reports of scientific study of investigation, schedules, price lists, telegrams, teletypes, phono-records, magnetic voice or video records, tapes, summaries, magnetic tapes, punch cards, recordings, discs, computer printouts, or other data compilations from which information can be obtained or translated.

You are entitled to assert a claim of business confidentiality covering part of the submitted information, in the manner described in 40 C.F.R. Section 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedure set forth in 40 C.F.R. Part 2, Subpart B. Unless a business confidentiality claim is asserted at the time the requested information is submitted, EPA may make this information available to the public without further notice to you.

Compliance with this information request is mandatory. Failure to respond fully and truthfully can result in enforcement action by EPA pursuant to Section 104(e) of CERCLA as amended, and/or Section 3008 of RCRA. Each of these statutes permits EPA to seek the imposition of penalties of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance.

Please send the required information to:

Acumenics Research & Technology, Inc.
1400 I Street, N.W.
Suite 200
Washington, D.C. 20005

Attn: 104(e) Task

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Please direct questions related to legal matters to James Heenehan, EPA Office of Regional Counsel (215) 597-8916. Questions related to technical matters should be directed to Lawrence H. Richardson at (215) 597-6684, and questions related to the 30 day deadline, delivery of documents, or other administrative matters should be directed to 104(e) Task Paralegal at Acumenics, (202) 682-0565.

Sincerely,

Bruce P. Smith, Chief
Hazardous Waste Enforcement Branch

cc: N. Flickinger, Department of Justice

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